

Ser. No. 09/980,355
Internal Docket No. SCP061792

Remarks/Arguments

Claims 1-19 are pending. Claims 1-19 stand rejected.

Claims 1 and 16 have been amended to more clearly and distinctly claim the subject matter that applicant regards as the invention. The claim amendments clarify that the initialization and marking information relating at least to the start and to the end of a chosen television program is received from a ~~predetermined~~ software application received from another medium. Thus, the recording of the digital sequences relating to the chosen television program is initiated from the same software application that is running in synchronism with the chosen television program.

The features are supported by the disclosure. For example, page 16, lines 26-27 of the specification describes: "The Internet application WEA, via the Internet (IP stream), gives the information for the recording." In addition page 18, lines 21-24 describes: "Recording takes place in the form of a file which possesses, as reference, the name given to the television sequence ST by the Internet application WEA via the Internet at the moment of the initialization."

No new matter is believed to be added by the present amendment.

Rejection of claims 1-10, 12-14, and 16-19 under 35 USC 103(a) as being unpatentable over Ullman et al. (US Pat No 6,018,768, hereinafter Ullman) in view of Kato (US Pat No 7,058,129).

Applicant submits that, for at least the reasons discussed below, claims 1-10, 12-14, and 16-19 are patentably distinguishable over the teachings of Ullman in view of Kato.

In the "Response to Arguments" section of the final Office Action (hereinafter OA), the Examiner indicates that the "for comparing it with the television signal stream" in claim 1 is unclear and not supported by the specification. The Examiner equates this feature with checking if the disc is full prior to recording.

Applicant has clarified this feature herein. The comparing "it" relates to the initialization and marking information received from the program application. Thus, the claim recites comparing initialization and marking information with the television digital

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stream originating from the demultiplexer/extractor module. The positive comparison indicates the marking information relating at least to the start and end of the television program has been identified in the digital stream. As clarified, the claim is completely different distinguishable from the comparison suggested by the Examiner.

Also in the OA, "Response to Arguments" section, Kato col. 9, lines 25-29 is pointed to as allegedly showing the claimed features of the "processing module being suitable... in response to a positive comparison, for causing the recording of the digital sequences." The OA relies on Kato because, as admitted in the OA, Ullman fails to teach using initialization and marking information relating to the start and to the end of a television program to cause the recording of a digital sequence.

Applicant respectfully disagrees that Kato teaches or suggests the claimed features. Kato only discloses that video data, audio data and playback control information is read out from the optical disc 2. At the bottom of page 2 of the OA, it is argued that col. 9, lines 25-28 of Kato teaches the claimed recording with initialization and marking information. However, this section of Kato only teaches reading from the optical disc 2 and does not describe recording as claimed in claim 1. Kato, col. 9, line 61 to col. 10, line 14 teaches the recording, however there is no description of recording with initialization and marking information in this section of Kato.

Clearly, Kato teaches in col. 10, lines 15-22 that the video and audio data recorded on the optical disc 2 is recorded as a series of data reproducing units from a pre-set playback start point up to a pre-set playback end point.

Furthermore, Kato does not describe the receiving, from a predetermined software application received from another medium, initialization and marking information relating at least to the start and to the end of a chosen television program. In Kato the video data, audio data and the playback control information are recorded together in a compressed form on the optical disc 2 as described in cols. 9 and 10.

The final Office Action also points to Kato col. 11, lines 36-42, Pout and Pin, as start and end times. Kato discloses at col. 11, lines 14-17 the starting point and the termination point are entered into the operating input unit 11 by operation of a user. As indicated in col. 9, lines 42-44, the operating input unit 11 is fed with information from the user. Kato simply fails to disclose a processing module suitable for receiving, from a predetermined software application received from another medium, initialization and

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marking information relating at least to the start and to the end of a chosen television program.

For at least the foregoing reasons it is respectfully submitted that the elements which the OA relies upon Kato as teaching, are in fact completely lacking in Kato and in the combination of references. Therefore, the combination of references fails to teach or suggest all the features of claim 1 and the rejection should be withdrawn.

In addition, claim 1 includes: "a supplementary processing module able to run the predetermined software application further containing said initialization and marking information, the software application being run in synchronism and in interactive mode with the playing of the digital-television program thus recorded with the aid of said initialization and marking information" (emphasis added).

The "Response to Arguments" section of the OA, again points to Ullman's teaching of the web pages containing time stamp information. It is respectfully requested the Examiner provide some evidence that a web page with a time stamp is equivalent to a software application being run in synchronism and in interactive mode with the playing of the digital-television program as claimed by applicant.

In other words, Ullman is clear that client software detects the URL pointing to a web page and the web page has the time stamp (col. 7, line 62 to col. 8, line 15). Nowhere does Ullman teach that the client software includes the time stamp. Ullman relies on the web page for the time stamp information, which is not contained in the client software. In contrast, applicant claims the predetermined software application further containing said initialization and marking information. One skilled in the art would not recognize that a web page, as described by Ullman, is a software program as claimed by applicant.

Thus, the combination of references fails to teach or suggest the supplemental processing module and again the rejection should be withdrawn.

For at least the foregoing reasons, each of the independent claims 1, 16 and 17 and their respective dependent claims include at least some of the distinguishing features discussed above. Each of the dependent claims includes further distinguishing features. Thus, the rejection of each of the claims should be withdrawn.

In addition, with regard to claim 17, the claimed software application is embodied on a computer readable medium such as a CD-ROM, DVD, etc. Thus, the software

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application can be sent over a communication network and can likewise be available on a computer readable medium.

Rejection of claims 1, 2, 10, 11 and 15 under 35 USC 103(a) as being unpatentable over Ullman in view of Kato, and further in view of Ellis et al. (US Pat. No. 6,665,869, hereinafter Ellis).

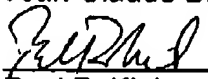
The Office Action provides no details of how Ellis applies to claims 1, 2 and 10.

Because claims 11 and 15 include at least the features discussed above with respect to claim 1, the independent claim from which claims 11 and 15 ultimately depend, the rejection should likewise be withdrawn since Ellis fail to teach any of the features lacking in the combination of Ullman in view of Kato with regard to claim 1 as discussed above.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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